

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

**AMERICAN FAMILY MUTUAL INSURANCE
COMPANY, S.I.**, a foreign insurer,

No. 3:22-cv-02006-YY

Plaintiff,

OPINION AND ORDER

v.

COSMO INVESTMENTS, LLC, a limited liability
Company, **MELVYN SEGER**, an individual,

Defendant.

BAGGIO, J.,

On 08/06/2024, Magistrate Judge Youlee Yim You issued her Findings and Recommendations (“F&R”) [ECF 33], recommending that this Court grant Plaintiff American Family Mutual Insurance Company, S.I.’s (“Plaintiff”) Motion for Summary Judgment [ECF 22], and deny Cosmo Investments, LLC and Melvyn Seger’s (collectively “Defendants”) motion for Summary Judgment [ECF 24]. Defendants objected [ECF 38] and Plaintiff responded [ECF 39]. This Court ADOPTS Judge You’s F&R [33].

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. 28 U.S.C. § 636(b)(1)(B). If a party objects, the court “shall make a de

novo determination of those portions of the report or specified proposed findings or recommendation to which objection is made.” *Id.* § 636(b)(1)(C). The court is not, however, required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Ramos*, 65 F.4th 427, 433 (9th Cir. 2023). While the level of scrutiny that the court applies to its F&R review depends on whether a party has filed objections, the court is free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C); *see also Thomas*, 474 U.S. at 154.

The Court has carefully considered Defendants’ objections and concludes that there is no basis to modify the F&R. The Court has also reviewed the pertinent portions of the record *de novo* and finds no error in the Magistrate Judge’s F&R.

CONCLUSION

The Court ADOPTS Judge You’s Findings and Recommendation [33]. Therefore, Plaintiff’s Motion for Summary Judgment [22] is GRANTED, and Defendants’ Motion for Summary Judgment [24] is DENIED.

IT IS SO ORDERED.

DATED this 3rd day of October, 2024.

Amy M. Baggio
Amy M. Baggio
United States District Judge